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HOUSE BILL 738

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

William "Ed" Boykin

AN ACT

RELATING TO LICENSING; AMENDING THE CHIROPRACTIC PHYSICIAN  
PRACTICE ACT TO CLARIFY LICENSING REQUIREMENTS, EXPAND  
PRIVILEGES AND INCREASE PENALTIES; DELAYING REPEAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-4-2 NMSA 1978 (being Laws 1968,  
Chapter 3, Section 2, as amended) is amended to read:

"61-4-2. DEFINITIONS. -- As used in the Chiropractic  
Physician Practice Act:

~~[A. "chiropractic" means the science, art and  
philosophy of things natural, the science of locating and  
removing interference with the transmissions or expression of  
nerve forces in the human body by the correction of  
misalignments or subluxations of the articulations and adjacent  
structures, more especially those of the vertebral column and~~

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1 ~~pelvis, for the purpose of restoring and maintaining health for~~  
2 ~~treatment of human disease primarily by, but not limited to,~~  
3 ~~adjustment and manipulation of the human structure. It shall~~  
4 ~~include, but not be limited to, the use of all natural agencies~~  
5 ~~to assist in the healing act, such as food, water, heat, cold,~~  
6 ~~electricity, mechanical appliances, herbs, nutritional~~  
7 ~~supplements, homeopathic remedies and any necessary diagnostic~~  
8 ~~procedure, excluding invasive procedures, except as provided by~~  
9 ~~the board by rule and regulation. It shall exclude operative~~  
10 ~~surgery and prescription or use of controlled or dangerous~~  
11 ~~drugs;~~

12 B. ~~"board" means the New Mexico board of~~  
13 ~~chiropractic;~~

14 C. ~~"chiropractic physician" includes doctor of~~  
15 ~~chiropractic, chiropractor and chiropractic physician and means~~  
16 ~~a person who practices chiropractic as defined in the~~  
17 ~~Chiropractic Physician Practice Act; and~~

18 D. ~~"chiropractic assistant" means a person who~~  
19 ~~practices under the on-premises supervision of a licensed~~  
20 ~~chiropractic physician]~~

21 A. "accredited chiropractic institution" means a  
22 chiropractic institution accredited by the council on  
23 chiropractic education, or the equivalent, and recognized by  
24 the commission on recognition of post-secondary accreditation  
25 and the United States secretary of education;

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1                    B. "board" means the chiropractic board;

2                    C. "chiropractic" or "chiropractic medicine" means  
3 the science, art and philosophy of things natural, the science  
4 of locating and removing interference with the transmissions or  
5 expression of nerve forces by the correction of misalignments  
6 and subluxations of anatomical articulations and adjacent  
7 structures for the purpose of correcting abnormal chemistry,  
8 restoring and maintaining health and wellness for treatment of  
9 disease, primarily by chiropractic adjustment and manipulation.  
10 "Chiropractic" or "chiropractic medicine" includes the use of  
11 all natural agencies to assist in the healing act such as food,  
12 water, light, air, oxygen, sound, heat, cold, electricity,  
13 mechanical appliances, herbs, natural substances,  
14 nutraceuticals, nutritional supplements, homeopathic remedies  
15 and any necessary diagnostic and treatment procedures as  
16 provided by board rules and board-approved training and  
17 certification;

18                    D. "chiropractic adjustment" means the application  
19 of a precisely controlled force applied by hand or by  
20 mechanical device to a specific focal point on the anatomy for  
21 the purpose of creating a desired angular movement in skeletal  
22 joint structures in order to eliminate or decrease interference  
23 with neural transmission and correct or attempt to correct a  
24 vertebral subluxation, using, as appropriate, short-lever  
25 force, high-velocity force, short-amplitude force or specific

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1 line-of-correction force to achieve the desired angular  
2 movement, as well as low-force neuromuscular reflex technique  
3 procedures;

4 E. "chiropractic assistant" means a person who  
5 practices under the on-premises supervision of a licensed  
6 chiropractic physician;

7 F. "chiropractic physician" means a person who  
8 practices chiropractic as defined in the Chiropractic Physician  
9 Practice Act and includes doctor of chiropractic and  
10 chiropractor;

11 G. "mobilization" means a non-thrust manual therapy  
12 involving movement of a joint within its physiological range of  
13 motion. "Mobilization" is passive movement within the  
14 physiological joint space administered by a clinician for the  
15 purpose of increasing overall range of motion;

16 H. "spinal manipulation" means the application of a  
17 direct thrust or leverage to move a joint of the spine at the  
18 end of passive movement but without exceeding the limits of  
19 anatomical integrity; and

20 I. "vertebral subluxation" means a complex of  
21 functional, structural or pathological articular changes, or  
22 combination thereof, that compromise neural integrity and may  
23 influence organ system function and general health. "

24 Section 2. Section 61-4-3 NMSA 1978 (being Laws 1968,  
25 Chapter 3, Section 3, as amended) is amended to read:

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1 "61-4-3. BOARD CREATED-- APPOINTMENT-- OFFICERS-- DUTIES--  
2 COMPENSATION.--

3 A. There is created the "chiropractic board". The  
4 board shall consist of six persons. Four shall have been  
5 continuously engaged in the practice of chiropractic in New  
6 Mexico for five years immediately prior to their appointment.  
7 Two persons shall represent the public and shall not have  
8 practiced chiropractic in this state or any other jurisdiction.  
9 No person shall be appointed to the board who is an officer or  
10 employee of or who is financially [~~interested~~] invested in any  
11 institution, school or college of chiropractic, medicine,  
12 surgery or osteopathy.

13 B. Members of the board shall be appointed by the  
14 governor for staggered terms. One of the members shall be  
15 appointed for a term ending July 1, 1980, one for a term ending  
16 July 1, 1981, one for a term ending July 1, 1982, one for a  
17 term ending July 1, 1983 and one for a term ending July 1,  
18 1984. Thereafter, appointments shall be made for terms of five  
19 years or less and [~~be made~~] in such a manner that the term of  
20 one board member expires on July 1 of each year. A list of  
21 five names for each professional member vacancy shall be  
22 submitted by the New Mexico chiropractic [~~associations~~]  
23 association to the governor for his consideration in the  
24 appointment of professional board members. A vacancy shall be  
25 filled by appointment for the unexpired term. Board members

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1 shall serve until their successors have been appointed and  
2 qualified.

3 C. The board shall annually elect a chairman and a  
4 secretary-treasurer. A majority of the board constitutes a  
5 quorum. The board shall meet quarterly. Special meetings may  
6 be called by the chairman and shall be called upon the written  
7 request of two members of the board. Notification of special  
8 meetings shall be made by certified mail unless such notice is  
9 waived by the entire board and the action noted in the minutes.  
10 Notice of all regular meetings shall be made by regular mail at  
11 least ten days prior to the meeting, and copies of the minutes  
12 of all meetings shall be mailed to each board member within  
13 thirty days after any meeting.

14 D. Any board member failing to attend three  
15 consecutive meetings, either regular or special, shall  
16 automatically be removed as a member of the board.

17 E. The board shall adopt a seal.

18 F. The board shall promulgate and file, in  
19 accordance with the State Rules Act, all rules [and  
20 regulations] necessary for the implementation and enforcement  
21 of the provisions of the Chiropractic Physician Practice Act,  
22 including educational requirements for a chiropractic  
23 assistant.

24 G. The board shall cause examinations to be held at  
25 least twice a year, and all applicants shall be notified in

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1 writing of each examination.

2 H. The board, for the purpose of protecting the  
3 health and well-being of the citizens of this state and  
4 maintaining and continuing informed professional knowledge and  
5 awareness, shall establish by [~~regulations~~] rules adopted in  
6 accordance with the provisions of the Uniform Licensing Act  
7 mandatory continuing education requirements for [~~chiropractors~~]  
8 chiropractic physicians licensed in this state.

9 I. Failure to comply with the rules [~~and~~  
10 ~~regulations~~] adopted by the board shall be grounds for  
11 investigation, which may lead to revocation of license.

12 J. Members of the board shall be reimbursed as  
13 provided in the Per Diem and Mileage Act, but shall receive no  
14 other compensation, perquisite or allowance for each day  
15 necessarily spent in the discharge of their duties."

16 Section 3. Section 61-4-4 NMSA 1978 (being Laws 1968,  
17 Chapter 3, Section 4, as amended) is amended to read:

18 "61-4-4. APPLICATION REQUIREMENTS.--Each applicant for a  
19 license to practice chiropractic shall:

20 A. make application on forms furnished by the  
21 board;

22 B. submit evidence on oath satisfactory to the  
23 board that the applicant has reached the age of majority, [~~has~~  
24 ~~completed a preliminary education equal to the requirements for~~  
25 ~~graduation from high school, is of good moral character and,~~

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1 ~~after January 1, 1976, except for any student presently~~  
2 ~~enrolled in a college of chiropractic]~~ has completed [~~two~~  
3 ~~years]~~ three years or ninety hours of undergraduate college-  
4 level study in an accredited institution of higher learning and  
5 is a graduate of a [~~college of]~~ chiropractic [~~which]~~  
6 institution that meets the standards of professional education  
7 prescribed in Section 61-4-5 NMSA 1978; and

8 C. pay in advance to the board, fees for:

9 (1) [~~for~~] examination; and

10 (2) [~~for~~] issuance of a license. "

11 Section 4. Section 61-4-5 NMSA 1978 (being Laws 1975,  
12 Chapter 176, Section 1, as amended) is amended to read:

13 "61-4-5. EVIDENCE OF GRADUATION--CREDITATION OF  
14 COLLEGE.--In addition to the requirements prescribed in Section  
15 61-4-4 NMSA 1978, all applicants for licensure who have  
16 matriculated at a chiropractic [~~college after October 1, 1975]~~  
17 institution shall present evidence of having graduated from a  
18 chiropractic [~~college]~~ institution having status with the  
19 accrediting ~~commission~~ of the council on chiropractic education  
20 or the equivalent criterion thereof and recognized by the  
21 commission on recognition of post-secondary accreditation and  
22 the United States secretary of education. "

23 Section 5. Section 61-4-6 NMSA 1978 (being Laws 1968,  
24 Chapter 3, Section 6, as amended) is amended to read:

25 "61-4-6. EXAMINATION--SUBJECTS--METHOD OF TREATMENT--

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1 RECORDING LICENSE. --

2 A. The board shall recognize successful completion  
3 [~~of all parts~~] of parts I, II, III and IV and physiotherapy of  
4 the national board of chiropractic examiners' examination.

5 B. The board shall administer a jurisprudence  
6 examination and examine each applicant in the act of  
7 chiropractic adjusting, procedures and methods as shall reveal  
8 the applicant's qualifications to practice chiropractic.

9 C. The board shall issue a license to all  
10 applicants whose applications have been filed with and approved  
11 by the board and who have paid the required fees and passed the  
12 board-administered examination with a general average of not  
13 less than seventy-five percent [~~with no subject below sixty-~~  
14 ~~five percent~~]. A license shall be refused to any applicant who  
15 fails to make application as provided in this section, fails  
16 the examination or fails to pay the required fees.

17 D. The license, when granted by the board, carries  
18 with it the title of doctor of chiropractic and entitles the  
19 holder to diagnose and treat using any necessary diagnostic and  
20 treatment procedures [~~excluding invasive procedures, except as~~  
21 ~~provided by the board by rule and regulation, and treat~~] for  
22 the purpose of correcting abnormal chemistry, restoring and  
23 maintaining health and wellness, treating injuries,  
24 deformities, chemical or other physical or mental conditions  
25 relating to the basic concepts of chiropractic by the use of

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1 any ~~[or all]~~ methods as provided in this section, including but  
2 not limited to physical examinations, palpating, diagnosing,  
3 adjusting and treating injuries and defects ~~[of human beings]~~  
4 by the application of chiropractic adjustments and  
5 manipulative, manual and mechanical ~~[means]~~ treatment  
6 procedures, including all natural agencies imbued with the  
7 healing act, such as food, water, light, air, oxygen, sound,  
8 heat, cold, electricity, ~~[and]~~ mechanical appliances, herbs,  
9 natural substances, nutraceuticals, nutritional supplements and  
10 homeopathic remedies ~~[but excluding operative surgery and~~  
11 ~~prescription or use of controlled or dangerous drugs]~~. The  
12 holder may also supervise the use of any ~~[or all]~~ natural  
13 agencies imbued with the healing act, such as food, water,  
14 light, air, oxygen, sound, heat, cold, electricity, ~~mechanical~~  
15 appliances, herbs, natural substances, nutraceuticals,  
16 nutritional supplements and homeopathic remedies administered  
17 by a chiropractic assistant.

18 ~~[E. Failure to display the license shall be~~  
19 ~~grounds for the suspension of the license to practice~~  
20 ~~chiropractic until so displayed and shall subject the licensee~~  
21 ~~to the penalties for practicing without a license.]"~~

22 Section 6. Section 61-4-7 NMSA 1978 (being Laws 1968,  
23 Chapter 3, Section 7, as amended) is amended to read:

24 "61-4-7. DISPOSITION OF FUNDS--CHIROPRACTIC FUND  
25 CREATED--METHOD OF PAYMENT--BOND.--

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1           A. There is created the "chiropractic fund".

2           B. All funds received by the board and money  
3 collected under the Chiropractic Physician Practice Act shall  
4 be deposited with the state treasurer. The state treasurer  
5 shall place the money to the credit of the chiropractic fund.

6           C. Payments out of the chiropractic fund shall be  
7 made on vouchers issued and signed by the [~~secretary~~]  
8 secretary-treasurer of the board upon warrants drawn by the  
9 department of finance and administration in accordance with the  
10 budget approved by the department of finance and  
11 administration.

12           D. All amounts paid into the chiropractic fund  
13 shall be subject to the order of the board and shall only be  
14 used for the purpose of meeting necessary expenses incurred in  
15 the performance of the purposes of the Chiropractic Physician  
16 Practice Act, the duties imposed by that act and the promotion  
17 of chiropractic education and standards in this state. All  
18 money unused at the end of the fiscal year shall remain in the  
19 chiropractic fund for use in accordance with the provisions of  
20 the Chiropractic Physician Practice Act to further its purpose.

21           E. All funds that may have accumulated to the  
22 credit of the board under any previous act shall be continued  
23 for use by the board in the administration of the Chiropractic  
24 Physician Practice Act.

25           ~~[F. The treasurer of the board shall give bond in~~

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1 ~~the amount of five thousand dollars (\$5,000) for the faithful~~  
2 ~~discharge of his duties, in such form as meets the approval of~~  
3 ~~the board. The treasurer shall make, at the first meeting~~  
4 ~~after July 1 of each year, an itemized report of all receipts~~  
5 ~~and disbursements of the board for the prior year.~~

6 ~~G.]~~ F. The board shall, by rule, designate a  
7 portion of the annual licensing fee for the exclusive purposes  
8 of investigating and funding hearings regarding complaints  
9 against ~~[doctors of]~~ chiropractic physicians. "

10 Section 7. Section 61-4-8 NMSA 1978 (being Laws 1968,  
11 Chapter 3, Section 8) is amended to read:

12 "61-4-8. LICENSE ~~[WITHOUT EXAMINATION]~~ BY ENDORSEMENT. --  
13 ~~[The board may, in its discretion, issue a license without~~  
14 ~~examination to a chiropractor who has been licensed in any~~  
15 ~~state, territory or foreign jurisdiction and who is a graduate~~  
16 ~~of a standard college of chiropractic if:~~

- 17 A. ~~the applicant is of good moral character;~~  
18 B. ~~the requirements of practice in the state,~~  
19 ~~territory or province in which the applicant is licensed are~~  
20 ~~equal to those of this state; and~~  
21 C. ~~the applicant pays the fee designated in Section~~  
22 ~~4.~~

23 The board may also, in its discretion, issue a license  
24 without examination to any chiropractor who has continuously  
25 practiced in another state for at least seven of the last ten

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1 ~~years prior to application or to any chiropractor who is a~~  
2 ~~graduate of a standard college of chiropractic and has served~~  
3 ~~in the military services of the United States for two years or~~  
4 ~~more within one year prior to application or to any applicant~~  
5 ~~showing evidence of having passed the examination conducted by~~  
6 ~~the national board of chiropractic examiners.]~~

7 A. The board may, in its discretion, issue a  
8 license by endorsement to a chiropractic physician licensed in  
9 another state, territory, province or foreign jurisdiction if  
10 the chiropractic physician:

11 (1) has been practicing for the last five  
12 years;

13 (2) is a graduate of an accredited  
14 chiropractic institution or a foreign equivalent;

15 (3) has passed parts I, II, III and IV and  
16 physiotherapy of the national board of chiropractic examiners'  
17 examination, or the equivalent as available at the time of the  
18 chiropractic physician's date of graduation;

19 (4) is of good moral character;

20 (5) appears for a personal interview with the  
21 board and passes a jurisprudence examination administered by  
22 the board;

23 (6) pays the fee authorized in Section 61-4-4  
24 NMSA 1978 as required by the board; and

25 (7) has not incurred a prior suspension or

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1 revocation in any state, territory, province or foreign  
2 jurisdiction when the suspension or revocation is based on  
3 actions that would be sufficient to constitute a suspension or  
4 revocation under the Chiropractic Physician Practice Act and  
5 rules promulgated pursuant to that act. A certified copy of  
6 the record of the suspension or revocation is conclusive  
7 evidence thereof.

8 B. The board may, in its discretion, issue a  
9 license by endorsement to a chiropractic physician who has  
10 served in the military services of the United States for two  
11 years or more and who applies to the board within one year of  
12 military service."

13 Section 8. Section 61-4-9 NMSA 1978 (being Laws 1968,  
14 Chapter 3, Section 9, as amended) is amended to read:

15 "61-4-9. PRIVILEGES AND OBLIGATIONS. --

16 A. Only a licensed chiropractic physician may  
17 render chiropractic care, chiropractic adjustment or spinal  
18 manipulation for the purpose of reducing, removing or  
19 correcting a vertebral subluxation to a vertebrate.

20 ~~[A.]~~ B. Licensed chiropractic physicians shall  
21 observe all health and hygiene laws and ~~[regulations]~~ rules of  
22 the state and its political subdivisions and shall report  
23 births and deaths to the proper authorities. Reports rendered  
24 by ~~[chiropractors]~~ chiropractic physicians shall be accepted by  
25 officers of departments or agencies to which they are made.

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1                    ~~[B.]~~ C. It is the purpose of the Chiropractic  
2 Physician Practice Act to grant to ~~[chiropractors]~~ chiropractic  
3 physicians the right to practice ~~[chiropractic]~~ primary care  
4 chiropractic medicine as taught and practiced in ~~[standard~~  
5 ~~colleges of chiropractic]~~ accredited chiropractic institutions  
6 and to entitle the holder of a license the right to perform  
7 physical examinations, diagnose, palpate and treat injuries,  
8 deformities and other physical, chemical or mental conditions  
9 relating to the basic concepts of chiropractic by use of any  
10 methods provided in the Chiropractic Physician Practice Act [~~as~~  
11 ~~provided]~~ and in rules, ~~[and regulations]~~ training and  
12 certification established and monitored by the board [~~but~~  
13 ~~excluding operative surgery and prescription or use of~~  
14 ~~controlled or dangerous drugs as provided in rules and~~  
15 ~~regulations established and monitored by the board]. "~~

16                    Section 9. Section 61-4-10 NMSA 1978 (being Laws 1968,  
17 Chapter 3, Section 10, as amended) is amended to read:

18                    "61-4-10. REFUSAL, SUSPENSION OR REVOCATION OF LICENSE. --

19                    A. The board may refuse to issue or may suspend or  
20 revoke any license in accordance with the procedures as  
21 contained in the Uniform Licensing Act upon the grounds that  
22 the licensee or applicant:

23                    (1) is convicted of a felony. A copy of the  
24 record of conviction, certified to by the clerk of the court  
25 entering the conviction, shall be conclusive evidence of such

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1 conviction;

2 (2) is guilty of fraud or deceit in procuring  
3 or attempting to procure a license in the chiropractic  
4 profession or in connection with applying for or procuring  
5 license renewal;

6 (3) is guilty of incompetence;

7 (4) is habitually intemperate or is addicted  
8 to the use of habit-forming drugs or is addicted to any vice to  
9 such a degree as to render him unfit to practice chiropractic;

10 (5) is guilty of practicing or attempting to  
11 practice under an assumed name or fails to use the title  
12 "doctor of chiropractic", "chiropractic physician",  
13 "chiropractor" or the initials "D.C." in connection with his  
14 practice or advertisements;

15 (6) is guilty of failing to comply with any of  
16 the provisions of the Chiropractic Physician Practice Act or  
17 rules [~~and regulations~~] promulgated by the board and filed in  
18 accordance with the State Rules Act;

19 (7) is guilty of willfully or negligently  
20 practicing beyond the scope of chiropractic practice as defined  
21 in the Chiropractic Physician Practice Act;

22 (8) is guilty of advertising by means of  
23 knowingly false statements;

24 (9) has been declared mentally incompetent by  
25 regularly constituted authorities or is manifestly

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1 incapacitated to practice chiropractic;

2 (10) advertises or attempts to attract  
3 patronage in any unethical manner prohibited by the rules [~~and~~  
4 ~~regulations~~] of the board;

5 (11) is guilty of obtaining any fee by fraud  
6 or misrepresentation;

7 (12) is guilty of making false or misleading  
8 statements regarding his skill or the efficacy or value of  
9 treatment or remedy prescribed or administered by him or at his  
10 direction;

11 (13) is guilty of aiding or abetting the  
12 practice of chiropractic by a person not licensed by the board;

13 (14) has incurred a prior suspension or  
14 revocation in another state, territory, province or foreign  
15 jurisdiction where the suspension or revocation of a license to  
16 practice chiropractic was based upon acts by the licensee  
17 similar to acts described in this section and by board rules  
18 promulgated pursuant to Paragraph (6) of this subsection. A  
19 certified copy of the record of suspension or revocation [~~of~~  
20 ~~the state making such suspension or revocation~~] is conclusive  
21 evidence thereof;

22 (15) is guilty of making a false, misleading  
23 or fraudulent claim; or

24 (16) is guilty of unprofessional conduct that  
25 includes [~~but is not limited to~~] the following:

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- 1 (a) procuring, aiding or abetting a  
2 criminal abortion;
- 3 (b) representing to a patient that a  
4 manifestly incurable condition of sickness, disease or injury  
5 can be cured;
- 6 (c) willfully or negligently divulging a  
7 professional confidence;
- 8 (d) conviction of any offense punishable  
9 by incarceration in a state penitentiary or federal prison. A  
10 copy of the record of conviction, certified by the clerk of the  
11 court entering the conviction, is conclusive evidence;
- 12 (e) impersonating another person  
13 licensed in the practice of chiropractic or permitting or  
14 allowing any person to use his license;
- 15 (f) gross negligence in the practice of  
16 chiropractic;
- 17 (g) fee splitting;
- 18 (h) conduct likely to deceive, defraud  
19 or harm the public;
- 20 (i) repeated similar negligent acts;
- 21 (j) employing abusive billing practices;
- 22 (k) failure to report to the board any  
23 adverse action taken against him by: 1) another licensing  
24 jurisdiction; 2) any peer review body; 3) any health care  
25 entity; 4) any governmental agency; or 5) any court for acts or

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1 conduct similar to acts or conduct that would constitute  
2 grounds for action as defined in this section;

3 (l) failure to report to the board  
4 surrender of a license or other authorization to practice  
5 chiropractic in another state, ~~[or]~~ territory, province or  
6 foreign jurisdiction or surrender of membership on any  
7 chiropractic hospital or health facility staff or in any  
8 chiropractic or professional association or society following,  
9 in lieu of, and while under disciplinary investigation by any  
10 of those authorities or bodies for acts or conduct similar to  
11 acts or conduct that would constitute grounds for action as  
12 defined in this section;

13 (m) failure to furnish the board, its  
14 investigators or representatives with information requested by  
15 the board;

16 (n) abandonment of patients;

17 (o) failure to adequately supervise, as  
18 provided by board ~~[regulation]~~ rule, a chiropractic assistant,  
19 ~~[or]~~ technician or professional licensee who renders care;

20 (p) intentionally engaging in sexual  
21 contact with a patient other than his spouse during the doctor-  
22 patient relationship; ~~[and]~~

23 (q) conduct unbecoming a person licensed  
24 to practice chiropractic or detrimental to the best interests  
25 of the public; and

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1 (4) practicing or attempting to practice under  
2 an assumed name [~~or~~

3 ~~(5) advertising or attempting to attract~~  
4 ~~patronage in any unethical manner prohibited by the rules and~~  
5 ~~regulations of the board].~~

6 B. [~~Any second~~] A subsequent violation [of the act]  
7 pursuant to this section constitutes a fourth degree felony  
8 punishable by a fine of not less than two thousand five hundred  
9 dollars (\$2,500) and not more than five thousand dollars  
10 (\$5,000) or by imprisonment not to exceed eighteen months, or  
11 both. "

12 Section 11. Section 61-4-13 NMSA 1978 (being Laws 1968,  
13 Chapter 3, Section 12, as amended) is amended to read:

14 "61-4-13. ANNUAL RENEWAL OF LICENSE--FEE--NOTICE--  
15 INACTIVE STATUS. --

16 A. [~~Any~~] A person licensed to practice chiropractic  
17 in this state shall, on or before July 1 of each year, pay to  
18 the board an annual fee set by [regulation] rule and shall  
19 submit proof of completion of continuing education requirements  
20 as required by the board. The board shall send written notice  
21 to every person holding a license prior to June 1 of each year,  
22 directed to the last known address of the licensee, notifying  
23 [him] the licensee that it is necessary [for him] to pay the  
24 renewal fee as provided in the Chiropractic Physician Practice  
25 Act. Proper forms shall accompany the notice, upon which forms

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1 the licensee shall make application for the renewal of ~~his~~  
2 the license. The licensee is responsible for renewal of the  
3 license even if the licensee does not receive the renewal  
4 notice.

5 B. The board shall establish a schedule of  
6 reasonable fees for applications, licenses, renewals and  
7 placement ~~or~~ on inactive status and administrative fees.

8 C. To place a license on inactive status, a  
9 licensee shall follow the procedures provided by the board and  
10 shall comply with all applicable rules for maintaining an  
11 inactive license."

12 Section 12. Section 61-4-14 NMSA 1978 (being Laws 1968,  
13 Chapter 3, Section 13) is amended to read:

14 "61-4-14. FAILURE TO RENEW- CANCELLATION-- REINSTATEMENT  
15 [~~PERMISSIVE TEMPORARY CANCELLATION~~]. -- [Any]

16 A. A licensee who fails to comply with the  
17 requirements for renewal as set forth in Section ~~[12]~~ 61-4-13  
18 NMSA 1978 shall, upon order of the board, forfeit ~~his~~ the  
19 right to practice chiropractic in this state, and ~~his~~ the  
20 license and any certificates of renewal shall be ~~cancelled~~  
21 canceled.

22 B. The board may reinstate ~~him~~ the license upon  
23 payment of all fees or penalties due and upon the presentation  
24 of evidence of attendance at continuing educational programs as  
25 may be provided by rules ~~[and regulations]~~ of the board. [Any

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1 ~~person licensed to practice chiropractic in this state who~~  
2 ~~desires to withdraw from active practice in this state may~~  
3 ~~apply to the board for a temporary suspension of his license~~  
4 ~~with the right to renew and reinstate his license upon a~~  
5 ~~showing that he has paid his annual license renewal fee on or~~  
6 ~~before the first day of July 1 of each year, provided that no~~  
7 ~~suspension shall be granted for a period of less than one~~  
8 ~~year.] "~~

9 Section 13. Section 61-4-15 NMSA 1978 (being Laws 1968,  
10 Chapter 3, Section 14, as amended) is amended to read:

11 "61-4-15. EXEMPTIONS. -- The Chiropractic Physician  
12 Practice Act does not apply to:

13 A. ~~[any]~~ a commissioned officer of the armed forces  
14 of the United States in the discharge of his official duties;

15 B. a ~~[chiropractor]~~ chiropractic physician who is  
16 legally qualified to practice in the state, ~~[or]~~ territory,  
17 province or foreign jurisdiction in which he resides, when in  
18 actual consultation with a licensed ~~[chiropractor]~~ chiropractic  
19 physician of this state; or

20 C. ~~[any]~~ a bona fide student of ~~[any standard~~  
21 ~~chiropractic college]~~ an accredited chiropractic institution  
22 who is chiropractically analyzing and adjusting ~~[the human~~  
23 ~~body]~~ a patient under supervision of a licensed ~~[chiropractor]~~  
24 chiropractic physician. "

25 Section 14. Section 61-4-17 NMSA 1978 (being Laws 1979,

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1 Chapter 77, Section 2, as amended) is amended to read:

2 "61-4-17. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--

3 The chiropractic board is terminated on July 1, [~~2003~~] 2010  
4 pursuant to the Sunset Act. The board shall continue to  
5 operate according to the provisions of Chapter 61, Article 4  
6 NMSA 1978 until July 1, [~~2004~~] 2011. Effective July 1, [~~2004~~]  
7 2011, Chapter 61, Article 4 NMSA 1978 is repealed. "

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